

# Agenda

## Item #2



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: October 25, 2010

Re: Request by Maine Republican Party concerning Robert Sezak

---

The Maine Republican Party has filed a request, alleging that House candidate Robert Sezak has used his bookstore to benefit his campaign. The candidate owns Re-Books, a used bookstore in Waterville, Maine. The request states that "Mr. Sezak is using discounts from purchases at his business 'for the purpose of influencing' his election to state office."

The party complains through its counsel Dan Billings that on Wednesday, October 20<sup>th</sup>, Mr. Sezak left his business card with a campaign brochure at the home of a resident of Troy, Maine. Mr. Billings does not identify the name of the occupant of the home. On Thursday, October 21<sup>st</sup>, the Maine Republican Party filed its request with the Commission. On Friday, October 22, there was a front-page article in the Waterville Morning Sentinel (attached).

Mr. Sezak telephoned me right away on October 22. He explained that he had not been systematically distributing the business card, but had given it out on two occasions. He stated that in neither instance did the customer obtain any discount on books from his store. He believes that the name of the Troy household was Kelleher.

Mr. Sezak also said that he is using his personal funds to pay for his campaign travel and has not used Maine Clean Election Act funds to reimburse himself for travel. That is consistent with the disclosures in his campaign finance reports.

Later on October 22, 2010, Mr. Sezak filed a written response. He says that he was not using his store to influence voters on either occasion.

Overall, I found Mr. Sezak's account to be believable. If his bookstore has not provided any discount to the two voters who received his business card, I do not see how his bookstore has made a contribution to his campaign. I recommend taking no action on the request. After speaking to the candidate, I am sure he will not be combining business and politics during any future campaign trips.

---

---

**MARDEN, DUBORD,  
BERNIER & STEVENS**

---

---

ATTORNEYS AT LAW

**Daniel I. Billings, Esq.**  
[dbillings@mardendubord.com](mailto:dbillings@mardendubord.com)

44 ELM STREET  
P.O. BOX 708  
WATERVILLE, ME 04903-0708  
[www.mardendubord.com](http://www.mardendubord.com)

PHONE (207) 873-0186  
FAX (207) 873-2245

October 21, 2010

Jonathan Wayne, Executive Director  
Maine Commission on Governmental Ethics & Election Practices  
135 State House Station  
Augusta, Maine 04333-0135

**RE: Complaint against Robert Sezak, Candidate for the Maine House in House District #84**

Dear Mr. Wayne:

On behalf of the Maine Republican Party, I request that the Commission take action against Robert Sezak due to a serious violation of the Maine Clean Elections Act. Mr. Sezak is the Democratic candidate for the Maine House of Representative in House District #84. House District #84 is made up of Fairfield, Rome, and Smithfield. Mr. Sezak is a Maine Clean Elections Act ("MCEA") candidate.

On October 20, 2010, a resident of the Town of Rome arrived home and found placed on his door a campaign brochure for Mr. Sezak. Inside the brochure was a business card for Mr. Sezak's business *Re-Books*. Handwritten on the back of the card was the following: "*Present this Card for 20% off your next purchase.*" A copy of the card is enclosed.

21-A M.R.S.A. §1125(6) states that an MCEA candidate "must limit the candidate's campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission." The definitions of contribution contained in 21-A M.R.S.A. §1012(2) includes "[a] gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of influencing the nomination or election of any person to state, county or municipal office."

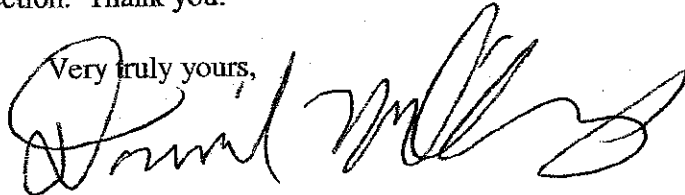
Mr. Sezak is using discounts from purchases at his business "for the purpose of influencing" his election to state office. The discounts are a thing of value. This activity constitutes both a contribution to his campaign and an expenditure on behalf of his campaign. Mr. Sezak's use of funds from his business to benefit his campaign constitutes a violation of the terms of his participation as an MCEA candidate. 21-A M.R.S.A. §1125(5-A) states "[t]he certification of a participating (MCEA) candidate may be revoked at any time if the commission determines that the candidate or an agent of the candidate . . . [k]nowingly accepted any contributions, including any in-kind contributions, or used funds other than fund

revenues distributed under this chapter to make campaign-related expenditures without the permission of the commission.”<sup>1</sup>

In addition, if Mr. Sezak is reimbursing himself for mileage from his campaign account for trips on which he distributes his business card, he may be misusing MCEA funds by promoting his business with public funds.

21-A M.R.S.A. §1002(1) requires that agenda items in the 28 days preceding an election must be decided within 24 hours of the filing unless all parties involved agree otherwise. Because the Commission met yesterday and is scheduled to meet again on October 28<sup>th</sup>, I am not demanding that this matter be considered within 24 hours. However, I ask that this item be placed on the agenda for the next Commission meeting, including any special meeting held before October 28<sup>th</sup>, and ask that the Commission staff engage in sufficient preliminary fact finding before the next Commission meeting to allow the Commission to consider this matter before the election. Thank you.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Daniel I. Billing", written in a cursive style.

Daniel I. Billing

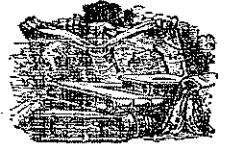
---

<sup>1</sup> Though not within the Commission's jurisdiction, Mr. Sezak's conduct may also constitute bribery in official political matters under Maine law. 17-A M.R.S.A. §602 states "[a] person is guilty of bribery in official and political matters if . . . [h]e promises, offers, or gives any pecuniary benefit to another with the intention of influencing the other's action, decision, opinion, recommendation, vote, nomination or other exercise of discretion as a . . . voter." "Pecuniary benefit" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain. 17-A M.R.S.A. §602(2)(C). Bribery in official and political matters is a Class C crime punishable by a period of imprisonment of up to 5 years and a fine of up to \$5,000.

Present  
this card  
for  
20%  
off your next  
purchase!

## RE-BOOKS

*Books For All Appetites*



Hardcover & Paperback  
Used, Rare, Out-of-Print

**ROBERT SEZAK**  
*Proprietor*

25 E. Concourse  
Waterville, ME 04901

207-877-2484

rebooks3@gmail.com

Robert Sezak  
18 Bunker Ave.  
Fairfield, Maine 04937

Jonathan Wayne, Executive Director  
Maine Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333-0135

October 22, 2010

Dear Mr. Wayne, Executive Director:

I am responding to the complaint brought against me by Daniel I. Billings, Esq., on behalf of the Maine Republican Party.

I have not been handing out discounts at my store to win votes. In fact, I have only done so twice on the campaign trail under the following special circumstances.

In the first instance, the reason I left the card was due to a beautiful hall bookcase library which could be viewed from the entrance doorway of a home I stopped at. Simply put, as a book seller for almost 17 years, I had felt a connection with a fellow book lover, although I have never met the person.

The second instance involved a customer whom I hadn't seen in a while. We eventually fell into conversation about her daughter's joy of reading biographies, with her daughter there jumping up and down, exclaiming how she loved to read. An already established customer, I asked her (the mother) if she had heard of a particular series of children's books. When she said she had not, I suggested her daughter would enjoy them and presented her a card with a discount.

In none of these instances was I "using discounts from purchases at my business 'for the purpose of influencing' my election to office." Nor am I "distributing business cards" using MCEA funds.

On the matter of mileage, I am not keeping a log of travel miles, as I have no intention of reimbursing myself for mileage using MCEA campaign funds.

When a reporter from the Morning Sentinel called to interview me shortly after receiving a copy of the complaint, one of the questions he asked was if my campaign brochure was legal. I responded that I didn't believe the brochure is in violation of the clean election laws. I reviewed my brochure and found that the contact number provided is my store's telephone number. There is no mention of my business on the brochure. The use of my business phone number is for ease of accessibility. It is my understanding that this is an allowed use of business equipment.

Handing out business cards is not a campaign practice. The reason I go door-to-door is to hear from the people in the district and to learn their concerns. My focus is on understanding the issues that affect the people of Maine and my district so that I may be a well-informed legislator.

Sincerely,

Robert Sezak, Candidate  
House District #84



**Snowe in Augusta**

The U.S. senator visits to hear about changes in the way businesses provide health insurance to their workers. **B1**



**'Her Game'**

A documentary about Cindy Blodgett shows locally Saturday, and the UMaine coach will bring her team to watch it. **C1**

**WEATHER**  
**46°**  
 Mostly sunny, windy, A8

# Morning Sentinel

Founded in 1904

1.com

FRIDAY, OCTOBER 22, 2010

A MAINETODAY MEDIA NEWSPAPER | Copyright 2010 | Waterville, Maine

*"THEY WERE JUST WONDERFUL PEOPLE"*

## le remembered as pillars of community

iscilla  
ey, died  
uesday

DGERS  
er

ly husband and  
dent Wednesday  
hose who knew  
le in town.

Henry and Priscilla Bacon, both 90 years old, died after colliding with another car near the entrance of a Big Apple Store on Route 139 in Fairfield.

"They were some of the most outstanding (people) in the town of Sidney," said Lawrence Tibbetts, who belonged to the local Masonic lodge with Henry Bacon.

Priscilla Bacon was a member of the Order of the Eastern Star, he said.

"They belonged to just about every organization in town that benefited the

"They were the type of people that everybody would want for neighbors."

BEV WESCOTT  
SIDNEY

town," said Tibbetts.

Don and Bev Wescott, neighbors of the Bacons on Pond Road, said the couple were devoted to their church and to

each other.

"Where one was, there was the other, it seemed," said Bev Wescott. "They were the type of people that everybody would want for neighbors."

She said Henry Bacon, a lifelong Sidney resident, was an avid skier who went every chance he could get up until the past year or two.

The couple would spend most of the winter at their house in Kingfield, she said, where Priscilla Bacon grew up. They met at the University of Maine,

Don Wescott said.

Ray Philbrick, who served on several local committees with Henry Bacon, a former town selectman, described him as a kind and intelligent man.

"He always worked for the town's benefit," Philbrick said.

Tibbetts said Bacon was among a group of men who started the first Boy Scout troop in town.

"They were just wonderful people,"

- PLEASE SEE CRASH A8

at  
;  
eds

berg,  
fary  
vers  
ure

SERS

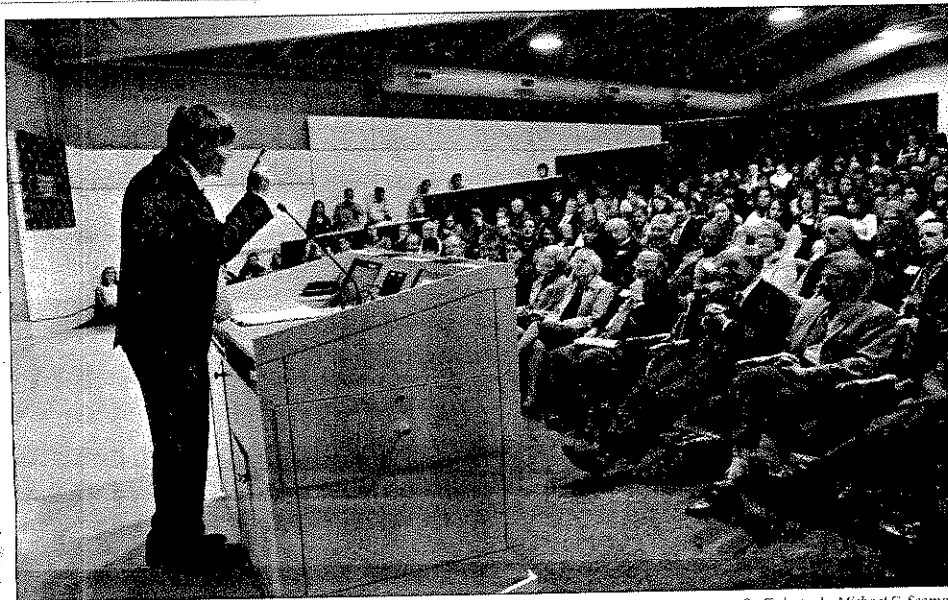
long-term  
progress is  
active lead-

s. Deputy  
te James  
y College  
per if they  
s.  
o a stand-  
Ostrove  
y night for  
J. Mitchell  
ternational

peace in  
Mitchell, who  
cer, demon-  
ce of com-  
Steinberg

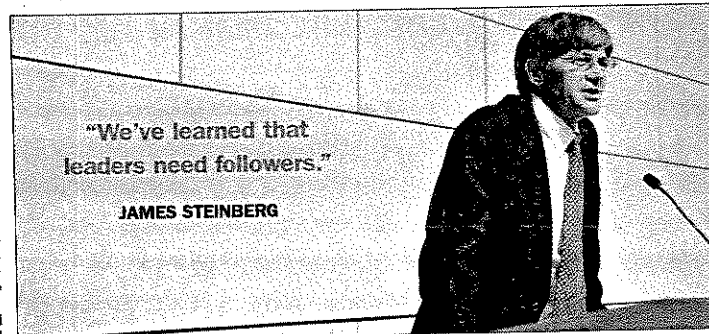
ner senator,  
y the Good  
was reached  
was preced-  
f failure to  
rship and  
ever would  
one day of  
said.

"American  
international  
ategy for the  
berg began  
w America's  
reluctant to



Staff photos by Michael G. Seaman

**MITCHELL PRESENT AT MITCHELL LECTURE:** Deputy Secretary of State James Steinberg delivers the 2010 Sen. George J. Mitchell Distinguished International Lecture in Ostrove Auditorium in the Diamond Building at Colby College on Thursday. Colby College President William "Bro" Adams is seated at right in the front row, next to George Mitchell, second from right.



**"We've learned that  
leaders need followers."**

**JAMES STEINBERG**

The United States remains well-positioned to maintain its leadership role, he said, as long as it continues to cooperate with other countries.

"We've learned that leaders need followers," said Steinberg. And gaining those followers, he said, "requires we lead by ideas and example, as well as by force."

Steinberg is the principal deputy to Secretary of State Hillary Clinton. During President Bill Clinton's administration, he served as the deputy national security adviser. Between those posts, Steinberg was the dean of the Lyndon B. Johnson School of Public Affairs at the University of Texas. He was also the vice president and director of foreign policy at the Brookings Institution in Washington, D.C.

Leslie Bridgers — 861-9252  
lbridgers@centralmaine.com

HOUSE DISTRICT 84

## GOP files complaint against Sezak

Fairfield Democrat's bookstore offer a 'serious violation,' Republicans claim

BY SCOTT MONROE  
Staff Writer

The Maine Republican Party on Thursday filed an ethics complaint against a local Democratic House candidate, claiming a "serious violation" of the state's Clean Elections Act.



SEZAK

Robert Sezak, 58, of Fairfield, who is a publicly-financed candidate under the act, violated state law by including a discount offer to his bookstore inside a campaign brochure left at local homes, the complaint alleges. Sezak owns the store Re-Books in Waterville.

The complaint, filed by Waterville attorney Daniel Billings on behalf of the Republican party, requests that the Maine Commission on Governmental Ethics and Election Practices determine whether Sezak's public funding should be revoked.

Contacted late Thursday, Sezak said he did not know about the complaint.

"I need to talk to the ethics commission," Sezak said. "I haven't heard anything from the ethics commission, so I really don't have any thoughts about it."

PLEASE SEE SEZAK A2



## Sezak

FROM AL

I don't believe the brochure is in violation of the clean elections law."

Sezak is the Democratic candidate for House District 84, which includes Fairfield, Rome and Smithfield. Also running for the seat are Republican John Picchiotti, and Independent Aaron Rowden and Paul Pessier.

Picchiotti, contacted late Thursday,

said he also knew nothing about the complaint or its allegations.

"I know Robert very well; we're all in town and serve on committees," Picchiotti said. "It's probably something he's totally unaware of. He wouldn't do anything intentionally."

According to the complaint, a resident of Rome arrived home on Oct. 20 and found Sezak's campaign brochure in his door.

"Inside the brochure was a business card for Mr. Sezak's business Re-Books," the complaint states. "Handwritten on the back of the card was the following:

"Present this card for 20% off your next purchase!"

The complaint goes on to cite state law under the Clean Elections Act, which says candidates "must limit ... campaign expenditures and obligations, including outstanding obligations, to the revenues distributed to the candidate from the fund and may not accept any contributions unless specifically authorized by the commission."

The definition of a "contribution" includes a "gift, subscription, loan, advance or deposit of money or anything of value made for the purpose of

influencing the nomination or election of any person" to office.

"Mr. Sezak is using discounts from purchases at his business for the purpose of influencing his election to state office," the complaint states. "The discounts are a thing of value. This activity constitutes both a contribution to his campaign and an expenditure on behalf of his campaign."

The complaint cites state law that says the candidate's public financing may be revoked if the ethics commission determines the candidate "knowingly" accepted such contributions.

"In addition, if Mr. Sezak is reimbursing himself for mileage from his campaign account for trips on which he distributes his business card, he may be misusing (clean election) funds by promoting his business with public funds," the complaint states.

The ethics commission is scheduled to meet next on Oct. 28.

The complaint requests that "the commission staff engage in sufficient preliminary fact-finding before the next commission meeting to allow the commission to consider this matter before the election."

## LOTTERIES

Thursday, Oct. 21, 2010

### EVENING DRAWING

Pick 3: 8-2-0 Pick 4: 5-4-0-4

### DAY DRAWING

Pick 3: 3-9-9 Pick 4: 8-7-1-0

### TRI-STATE MEGABUCKS PLUS (Wednesday)

6-12-21-26-33 Megaball: 5

### HOT LOTTO SIZZLER (Wednesday)

1-18-20-21-34 Hot Ball: 11

### POWERBALL (Wednesday)

7-17-20-39-59  
Powerball: 17 Power Play: x 3

## PEOPLE

### Hootie & The Blowfish

COLUMBIA, S.C. (AP) — The city that helped give Hootie & The Blowfish its start is celebrating the band's 25th anniversary with a permanent memorial.

A group of businesses in one of Columbia's main entertainment areas plans to unveil a permanent piece of public art to honor the band on Thursday.

The Five Points Association also plans a Hootie & The Blowfish tribute concert.

Officials expect all four members of the band to return to Columbia.

## CORRECTIONS

The Morning Sentinel wants its



Winter's coming,  
but we can  
always take the  
chill off.

BECOME A NEW AUTOMATIC DELIVERY  
CUSTOMER AND GET A

\$100  
CREDIT\*

Already a  
customer?  
Refer a friend  
and receive \$50  
for each referral.

Fall is the perfect time to ensure you have a trusted and dependable home energy provider. Dead River Company guarantees reliable fuel delivery, and we deliver on a promise of customer service excellence. Sign up for convenient automatic delivery and receive a \$100 account credit.\*

Call us today!

Waterville (207) 873-5115

Greater Augusta (207) 622-6301

Delivering on A Promise.